



# New York State Unified Court System

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### **Significant Restrictions on Lawyer Advertising To Be Adopted in New York**

**Court System to Implement Curbs on Solicitations for  
Legal Services and Potentially Misleading Advertising**

**COURTS**

**LITIGANTS**

**ATTORNEYS**

**JURORS**

**JUDGES**

**CAREERS**

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NEW YORK—Sweeping new restrictions on lawyer advertising will be enacted in New York to safeguard consumers from potentially misleading advertising and overly aggressive or inappropriate solicitation for legal services. Revisions to the Lawyer's Code of Professional Conduct were approved for public comment this week by the four Presiding Justices of the Appellate Division: Hon. John T. Buckley, of the Appellate Division, First Department; Hon. A Gail Prudenti, Second Department; Hon. Anthony V. Cardona, Third Department; and Eugene F. Pigott, Jr., Fourth Department.

The proposed amendments include the following:

- A 30-day moratorium on soliciting wrongful death or personal injury clients, protecting families suffering loss from overly aggressive marketing.
- Ban on using testimonials by current clients or paid endorsements.
- Restrictions on using statements likely to create an expectation about results or that compare the lawyer's services with those of other lawyers.
- Expansion of rules to cover computer and Internet-based advertising and solicitation, including restrictions on websites and e-mail, and bans on "pop-up" ads and chat-room solicitation.
- Ban on using nicknames, mottos or trade names that suggest an ability to obtain results.
- Requirement that ads stating "no fee will be charged if no money is recovered" disclose that client will remain liable for other expenses regardless of the case outcome.
- Expansion of rules to cover out-of-state attorneys who solicit legal services in New York.
- Requirement to include disclaimers in certain ads and to label certain communications as "advertisements."
- Ban on fictionalized portrayals of clients, judges and lawyers or re-enactments of events that are not authentic.
- Ban on depicting the use of a courtroom or courthouse.
- Requirements to file all advertisements for legal services, including radio and television ads, with the attorney disciplinary committees for review, and to translate all foreign-language ads into English before filing.

On behalf of the Presiding Justices, Chief Administrative Judge Jonathan Lippman commented, "These new rules will help regulate lawyer advertising so that consumers are protected against inappropriate solicitations or potentially misleading ads, as well as overly aggressive marketing. The amended rules will also benefit the bar by ensuring that the image of the legal profession is maintained at the highest possible level. The Presiding Justices of all four judicial departments feel strongly that these significant new reforms will serve the best interests of the public and the legal community of New York."

The new rules are being adopted as a result of recommendations by both the New York State Bar Association Task Force on Lawyer Advertising and a committee specially appointed by the Administrative Board of the Courts last year to study this area. It is subject to a 90-day comment period by the bar and the public, which ends September 15, 2006. The amendments can be accessed from the court system's website at [www.nycourts.gov/rules/proposedamendments.shtml](http://www.nycourts.gov/rules/proposedamendments.shtml).

Comments on the rules should be sent to:

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